

AMENDED IN ASSEMBLY SEPTEMBER 6, 2007

AMENDED IN ASSEMBLY JULY 16, 2007

AMENDED IN SENATE MAY 30, 2007

AMENDED IN SENATE APRIL 23, 2007

SENATE BILL

No. 650

Introduced by ~~Senator Padilla~~ Senators Migden and Padilla

(Principal coauthor: Assembly Member Levine)

(Coauthor: ~~Senator Kuehl~~)

(Coauthor: Assembly Member Krekorian)

February 22, 2007

An act to amend Section ~~35400~~ of the ~~Vehicle Code~~, relating to ~~vehicles~~; ~~1151.6 of, to amend, repeal, and add Sections 1156, 1156.2, 1156.3, 1156.4, 1157, 1160.3, and 1160.6 of, and to add and repeal Section 1156.35 of, the Labor Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 650, as amended, ~~Padilla~~ Migden. ~~Vehicles: maximum length: exceptions. Labor representatives: elections.~~

Existing law prohibits employers from engaging in unfair labor practices, including interfering in the election by agricultural employees of labor representatives to engage in collective bargaining for the designated bargaining units. Existing law also provides criminal and civil penalties for any employer or person who engages in unfair labor practices as determined by the Agricultural Labor Relations Board and the courts.

Existing law provides for a secret ballot election for employees in agricultural bargaining units, as defined, to select labor organizations to represent them for collective bargaining purposes.

This bill would, until January 1, 2013, or a later unspecified date, permit agricultural employees, as an alternative procedure, to select their labor representatives by submitting a petition to the Labor Board accompanied by representation cards signed by a majority of the bargaining unit. Stating any material fact as true that the employee knows to be false would make the employee subject to a civil penalty. The board would be required to conduct an immediate investigation to determine whether to certify the labor organization as the exclusive bargaining representative for the particular agricultural employees. Within 5 days after receiving a petition, the board would be required to make a nonappealable administrative decision. If the board determined that the representation cards meet specified criteria, then the labor organization would be certified as the exclusive bargaining representative. If the board determined that the representation cards were deficient, it would notify the labor organization of the deficiency and grant the labor organization 30 days to submit additional cards.

This bill would, until January 1, 2013, or a later unspecified date, extend the existing prohibitions and penalties to employers who engage in unfair labor practices with regard to a majority signup election.

This bill would, until January 1, 2013, or a later unspecified date, require the signatures on the representation cards, used in majority signup elections, to be submitted under penalty of perjury and that the Labor Board keep the information on the cards confidential.

By expanding the definition of unfair labor practices for infractions, and requiring public prosecutors to bring an action to enforce a civil penalty against any employee who states as true on the representation cards any material fact the employee knows to be false, the bill would create additional crimes and impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law prohibits a vehicle operated on the highway from exceeding a length of 40 feet, except, among other things, an articulated bus or articulated trolley coach that does not exceed a length of 60 feet.~~

~~This bill would additionally allow an articulated bus or articulated trolley coach that does not exceed a length of 65 feet and is operated on a dedicated right-of-way, as defined, or is operated on a street or~~

highway, under specified conditions, and the route is approved by a route review committee, as established by the bill.

The bill would require participation and consultation involving local public agencies, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1151.6 of the Labor Code is amended to
2 read:

3 1151.6. ~~Any~~A person who shall willfully resist *resists*, prevent
4 prevents, ~~impede~~ *impedes*, or ~~interfere~~ *interferes* with any member
5 of the board or any of its agents or agencies in the performance of
6 duties pursuant to this part ~~shall be~~ *is* guilty of a misdemeanor,
7 and shall be punished by a fine of not more than five thousand
8 dollars (\$5,000) ~~dollars~~.

9 SEC. 2. Section 1156 of the Labor Code is amended to read:

10 1156. ~~Representatives~~—(a) A representative designated or
11 selected by a secret ballot pursuant to Section 1156.3, or by a
12 majority signup election pursuant to Section 1156.35, for the
13 purposes of collective bargaining by the majority of the agricultural
14 employees in ~~the~~ a bargaining unit shall be the exclusive
15 ~~representatives~~ *representative* of all the agricultural employees in
16 ~~such~~ *the* unit for the purpose of collective bargaining with respect
17 to rates of pay, wages, hours of employment, ~~or~~ *and* other
18 conditions of employment. ~~Any~~

19 (b) An individual agricultural employee or a group of agricultural
20 employees ~~shall have~~ *has* the right at any time to present grievances
21 to their agricultural employer and to have ~~such~~ *those* grievances
22 adjusted, without the intervention of the bargaining representative,
23 as long as the adjustment is not inconsistent with the terms of a
24 collective-bargaining contract or agreement then in effect, if the
25 bargaining representative has been given opportunity to be present
26 at ~~such~~ *the* adjustment.

1 (c) *This section shall remain in effect only until January 1, 2013,*
2 *or, in the event the validity of this section is challenged in judicial*
3 *proceedings, until the expiration of five years from the date of a*
4 *final court ruling on the validity of this section, and as of that date*
5 *is repealed, unless a later enacted statute, that is enacted before*
6 *this section is repealed, deletes or extends that date.*

7 SEC. 3. *Section 1156 is added to the Labor Code, to read:*

8 1156. (a) Representatives designated or selected by a secret
9 ballot for the purposes of collective bargaining by the majority of
10 the agricultural employees in the bargaining unit shall be the
11 exclusive representatives of all the agricultural employees in such
12 unit for the purpose of collective bargaining with respect to rates
13 of pay, wages, hours of employment, or other conditions of
14 employment. Any individual agricultural employee or a group of
15 agricultural employees shall have the right at any time to present
16 grievances to their agricultural employer and to have those
17 grievances adjusted without the intervention of the bargaining
18 representative, as long as the adjustment is not inconsistent with
19 the terms of a collective-bargaining contract or agreement then in
20 effect, if the bargaining representative has been given opportunity
21 to be present at the adjustment.

22 (b) This section shall become operative on January 1, 2013, or,
23 in the event that Section 1156 of the Labor Code, as amended by
24 Section 2 of the act adding this section, is repealed at a later date,
25 this section shall become operative on that date.

26 SEC. 4. *Section 1156.2 of the Labor Code is amended to read:*

27 1156.2. ~~The~~ (a) A bargaining unit ~~shall be~~ is all the agricultural
28 employees of an employer. If the agricultural employees of ~~the~~ an
29 employer are employed in two or more noncontiguous geographical
30 areas, the board shall determine the appropriate unit or units of
31 agricultural employees in which a secret ballot election ~~shall be~~
32 or a majority signup election is conducted.

33 (b) *This section shall remain in effect only until January 1, 2013,*
34 *or, in the event the validity of this section is challenged in judicial*
35 *proceedings, until the expiration of five years from the date of a*
36 *final court ruling on the validity of this section, and as of that date*
37 *is repealed, unless a later enacted statute, that is enacted before*
38 *this section is repealed, deletes or extends that date.*

39 SEC. 5. *Section 1156.2 is added to the Labor Code, to read:*

1 1156.2. (a) *The bargaining unit shall be all the agricultural*
2 *employees of an employer. If the agricultural employees of the*
3 *employer are employed in two or more noncontiguous geographical*
4 *areas, the board shall determine the appropriate unit or units of*
5 *agricultural employees in which a secret ballot election shall be*
6 *conducted.*

7 (b) *This section shall become operative on January 1, 2013, or,*
8 *in the event that Section 1156.2 of the Labor Code, as amended*
9 *by Section 4 of the act adding this section, is repealed at a later*
10 *date, this section shall become operative on that date.*

11 SEC. 6. *Section 1156.3 of the Labor Code is amended to read:*

12 1156.3. (a) A petition that is either signed by, or accompanied
13 by authorization cards signed by, a majority of the currently
14 employed employees in the bargaining unit, may be filed by an
15 agricultural employee or group of agricultural employees, or any
16 individual or labor organization acting on behalf of those
17 agricultural employees, in accordance with any rules and
18 regulations prescribed by the board. The petition shall allege all
19 of the following:

20 (1) That the number of agricultural employees currently
21 employed by the employer named in the petition, as determined
22 from the employer's payroll immediately preceding the filing of
23 the petition, is not less than 50 percent of the employer's peak
24 agricultural employment for the current calendar year.

25 (2) That no valid election pursuant to this section has been
26 conducted among the agricultural employees of the employer
27 named in the petition within the 12 months immediately preceding
28 the filing of the petition.

29 (3) That no labor organization is currently certified as the
30 exclusive collective-bargaining representative of the agricultural
31 employees of the employer named in the petition.

32 (4) That the petition is not barred by an existing
33 collective-bargaining agreement.

34 (b) Upon receipt of a signed petition, as described in subdivision
35 (a), the board shall immediately investigate the petition. If the
36 board has reasonable cause to believe that a bona fide question of
37 representation exists, it shall direct a representation election by
38 secret ballot to be held, upon due notice to all interested parties
39 and within a maximum of seven days of the filing of the petition.
40 If, at the time the election petition is filed, a majority of the

1 employees in a bargaining unit are engaged in a strike, the board
2 shall, with all due diligence, attempt to hold a secret ballot election
3 within 48 hours of the filing of the petition. The holding of
4 elections under strike circumstances shall take precedence over
5 the holding of other secret ballot elections.

6 (c) The board shall make available at any election *or alternative*
7 *selection process* held under this chapter *either ballots or*
8 *representation cards, as appropriate, and all materials used to*
9 *select labor representatives* printed in English and Spanish. The
10 board may also make available at the election *or selection process*
11 *ballots or representation cards, as appropriate, and all other*
12 *election materials used to select labor representatives* printed in
13 any other language as may be requested by an agricultural labor
14 organization or any agricultural employee eligible to vote under
15 this part. Every election ballot, except ballots in runoff elections
16 where the choice is between labor organizations, shall provide the
17 employee with the opportunity to vote against representation by
18 a labor organization by providing an appropriate space designated
19 “No Labor Organizations.”

20 (d) Any other labor organization shall be qualified to appear on
21 the ballot if it presents authorization cards signed by at least 20
22 percent of the employees in the bargaining unit at least 24 hours
23 prior to the election.

24 (e) (1) Within five days after an election, any person may file
25 with the board a signed petition asserting that allegations made in
26 the petition filed pursuant to subdivision (a) were incorrect,
27 asserting that the board improperly determined the geographical
28 scope of the bargaining unit, or objecting to the conduct of the
29 election or conduct affecting the results of the election.

30 (2) Upon receipt of a petition under this subdivision, the board,
31 upon due notice, shall conduct a hearing to determine whether the
32 election shall be certified. This hearing may be conducted by an
33 officer or employee of a regional office of the board. The officer
34 may not make any recommendations with respect to the
35 certification of the election. The board may refuse to certify the
36 election if it finds, on the record of the hearing, that any of the
37 assertions made in the petition filed pursuant to this subdivision
38 are correct, that the election was not conducted properly, or that
39 misconduct affecting the results of the election occurred. The board

1 shall certify the election unless it determines that there are
2 sufficient grounds to refuse to do so.

3 (f) If no petition is filed pursuant to subdivision (e) within five
4 days of the election, the board shall certify the election.

5 (g) The board shall decertify a labor organization if either of
6 the following occur:

7 (1) The Department of Fair Employment and Housing finds that
8 the labor organization engaged in discrimination on any basis listed
9 in subdivision (a) of Section 12940 of the Government Code, as
10 those bases are defined in Sections 12926 and 12926.1 of the
11 Government Code, except as otherwise provided in Section 12940
12 of the Government Code.

13 (2) The United States Equal Employment Opportunity
14 Commission finds, pursuant to Section 2000e-5 of Title 42 of the
15 United States Code, that the labor organization engaged in
16 discrimination on the basis of race, color, national origin, religion,
17 sex, or any other arbitrary or invidious classification in violation
18 of Subchapter VI of Chapter 21 of Title 42 of the United States
19 Code during the period of the labor organization's present
20 certification.

21 (h) *This section shall remain in effect only until January 1, 2013,*
22 *or, in the event the validity of this section is challenged in judicial*
23 *proceedings, until the expiration of five years from the date of a*
24 *final court ruling on the validity of this section, and as of that date*
25 *is repealed, unless a later enacted statute, that is enacted before*
26 *this section is repealed, deletes or extends that date.*

27 SEC. 7. Section 1156.3 is added to the Labor Code, to read:

28 1156.3. (a) *A petition that is either signed by, or accompanied*
29 *by authorization cards signed by, a majority of the currently*
30 *employed employees in the bargaining unit, may be filed by an*
31 *agricultural employee or group of agricultural employees, or any*
32 *individual or labor organization acting on behalf of those*
33 *agricultural employees, in accordance with any rules and*
34 *regulations prescribed by the board. The petition shall allege all*
35 *of the following:*

36 (1) *That the number of agricultural employees currently*
37 *employed by the employer named in the petition, as determined*
38 *from the employer's payroll immediately preceding the filing of*
39 *the petition, is not less than 50 percent of the employer's peak*
40 *agricultural employment for the current calendar year.*

1 (2) That no valid election pursuant to this section has been
2 conducted among the agricultural employees of the employer
3 named in the petition within the 12 months immediately preceding
4 the filing of the petition.

5 (3) That no labor organization is currently certified as the
6 exclusive collective-bargaining representative of the agricultural
7 employees of the employer named in the petition.

8 (4) That the petition is not barred by an existing
9 collective-bargaining agreement.

10 (b) Upon receipt of a signed petition, as described in subdivision
11 (a), the board shall immediately investigate the petition. If the
12 board has reasonable cause to believe that a bona fide question
13 of representation exists, it shall direct a representation election
14 by secret ballot to be held, upon due notice to all interested parties
15 and within a maximum of seven days of the filing of the petition.
16 If, at the time the election petition is filed, a majority of the
17 employees in a bargaining unit are engaged in a strike, the board
18 shall, with all due diligence, attempt to hold a secret ballot election
19 within 48 hours of the filing of the petition. The holding of elections
20 under strike circumstances shall take precedence over the holding
21 of other secret ballot elections.

22 (c) The board shall make available at any election held under
23 this chapter ballots printed in English and Spanish. The board
24 may also make available at the election ballots printed in any other
25 language as may be requested by an agricultural labor
26 organization or any agricultural employee eligible to vote under
27 this part. Every election ballot, except ballots in runoff elections
28 where the choice is between labor organizations, shall provide the
29 employee with the opportunity to vote against representation by
30 a labor organization by providing an appropriate space designated
31 “No Labor Organizations.”

32 (d) Any other labor organization shall be qualified to appear
33 on the ballot if it presents authorization cards signed by at least
34 20 percent of the employees in the bargaining unit at least 24 hours
35 prior to the election.

36 (e) (1) Within five days after an election, any person may file
37 with the board a signed petition asserting that allegations made
38 in the petition filed pursuant to subdivision (a) were incorrect,
39 asserting that the board improperly determined the geographical

1 *scope of the bargaining unit, or objecting to the conduct of the*
2 *election or conduct affecting the results of the election.*

3 *(2) Upon receipt of a petition under this subdivision, the board,*
4 *upon due notice, shall conduct a hearing to determine whether the*
5 *election shall be certified. This hearing may be conducted by an*
6 *officer or employee of a regional office of the board. The officer*
7 *may not make any recommendations with respect to the*
8 *certification of the election. The board may refuse to certify the*
9 *election if it finds, on the record of the hearing, that any of the*
10 *assertions made in the petition filed pursuant to this subdivision*
11 *are correct, that the election was not conducted properly, or that*
12 *misconduct affecting the results of the election occurred. The board*
13 *shall certify the election unless it determines that there are*
14 *sufficient grounds to refuse to do so.*

15 *(f) If no petition is filed pursuant to subdivision (e) within five*
16 *days of the election, the board shall certify the election.*

17 *(g) The board shall decertify a labor organization if either of*
18 *the following occur:*

19 *(1) The Department of Fair Employment and Housing finds that*
20 *the labor organization engaged in discrimination on any basis*
21 *listed in subdivision (a) of Section 12940 of the Government Code,*
22 *as those bases are defined in Sections 12926 and 12926.1 of the*
23 *Government Code, except as otherwise provided in Section 12940*
24 *of the Government Code.*

25 *(2) The United States Equal Employment Opportunity*
26 *Commission finds, pursuant to Section 2000e-5 of Title 42 of the*
27 *United States Code, that the labor organization engaged in*
28 *discrimination on the basis of race, color, national origin, religion,*
29 *sex, or any other arbitrary or invidious classification in violation*
30 *of Subchapter VI of Chapter 21 of Title 42 of the United States*
31 *Code during the period of the labor organization's present*
32 *certification.*

33 *(h) This section shall become operative on January 1, 2013, or,*
34 *in the event that Section 1156.3 of the Labor Code, as amended*
35 *by Section 6 of the act adding this section, is repealed at a later*
36 *date, this section shall become operative on that date.*

37 *SEC. 8. Section 1156.35 is added to the Labor Code, to read:*

38 *1156.35. (a) As an alternative procedure to the secret ballot*
39 *election process set forth in Section 1156.3, a labor organization*
40 *may be certified as the exclusive bargaining representative of a*

1 *bargaining unit through a majority signup election. A majority*
2 *signup election permits a bargaining unit to summarily select a*
3 *labor organization as its representative for collective bargaining*
4 *purposes without holding a representation election.*

5 *(b) A labor organization that wishes to represent a particular*
6 *bargaining unit, as defined in Section 1156.2, may be certified*
7 *through a majority signup election as that unit's bargaining*
8 *representative by submitting to the board a petition for majority*
9 *signup election. The petition must allege the following:*

10 *(1) That the number of agricultural employees currently*
11 *employed by the employer named in the petition for majority signup*
12 *election, as determined from the employer's payroll immediately*
13 *preceding the filing of the petition for majority signup election, is*
14 *not less than 50 percent of the employer's peak agricultural*
15 *employment for the current calendar year.*

16 *(2) That no valid election has been conducted among the*
17 *agricultural employees of the employer named in the petition for*
18 *majority signup election within the 12 months preceding the filing*
19 *of the petition.*

20 *(3) That no labor organization is currently certified as the*
21 *exclusive collective bargaining representative of the agricultural*
22 *employees of the employer named in the petition for majority*
23 *signup election.*

24 *(4) That the petition is not barred by an existing collective*
25 *bargaining agreement.*

26 *(c) (1) The petition for majority signup election in subdivision*
27 *(b) must be accompanied by representation cards signed by more*
28 *than 50 percent of the currently employed employees. For purposes*
29 *of this section, "currently employed employees" means those*
30 *agricultural employees of the employer who were employed at any*
31 *time during the employer's last payroll period that ended prior to*
32 *the filing of the petition for majority signup election.*

33 *(2) The representation cards must be titled "ALRB*
34 *Representation Cards for Certification of a Labor Organization."*

35 *(3) Each representation card must include the following:*

36 *(A) A statement that the employee signing it wishes to have a*
37 *specified labor organization as his or her collective bargaining*
38 *representative with respect to rates of pay, wages, hours of*
39 *employment, and other conditions of employment.*

1 (B) A statement that no promises or threats were made to obtain
2 the employee's signature on the card.

3 (C) An acknowledgment that by signing the card the employee
4 is manifesting a desire to be represented by a labor organization.

5 (D) An acknowledgment that the employee is aware of the
6 toll-free telephone number of the Agricultural Labor Relations
7 Board, which is available to complain about coercion or other
8 unfair labor practices.

9 (E) Sufficient space for the following information: the name of
10 labor organization; the name of the agricultural employer; the
11 employee's name, address, and telephone number; the name of
12 the employee's foreman; the signature of the employee; the name,
13 address, telephone number, and the signature of the person
14 witnessing that the employee signed the card; and the date when
15 the card was signed.

16 (F) The following statement, to be signed by the employee
17 signing the representation card: "I declare that I am employed by
18 the agricultural employer that is named in this representation
19 card." The card shall inform the employee that, if he or she
20 willfully states as true on the card any material fact that he or she
21 knows to be false, he or she shall be subject to a civil penalty up
22 to ten thousand dollars (\$10,000). An action for a civil penalty
23 under this paragraph may be brought by any public prosecutor
24 and shall be enforced as a civil judgment.

25 (G) The following statement, to be signed by the person who
26 witnesses the employee signing the representation card: "I declare
27 that I witnessed the signing of this representation card and that,
28 to the best of my knowledge, information, and belief, the employee
29 who signed this representation card was not intimidated,
30 threatened, or coerced in any way and was not paid any money
31 or other thing of value in exchange for signing this representation
32 card." The statement to be signed shall inform the witness that, if
33 he or she willfully states as true any material fact that he or she
34 knows to be false, he or she shall be subject to a civil penalty up
35 to ten thousand dollars (\$10,000). An action for a civil penalty
36 under this paragraph may be brought by any public prosecutor
37 and shall be enforced as a civil judgment.

38 (4) The board shall maintain the confidentiality and secrecy of
39 the employee name on the representation card. The board shall

1 give the representation card the same confidentiality and secrecy
2 as a regular election ballot.

3 (5) Upon the request of a labor organization, the board shall
4 issue standardized representation cards for use with a petition for
5 majority signup election, in accordance with subdivision (c) of
6 Section 1156.3.

7 (6) A representation card is valid, for the purpose of supporting
8 a petition for majority signup election, if it contains the name of
9 the labor organization, the name of the employee, and the
10 employee's signature. A labor organization may fill out all of the
11 information contained in a representation card, except for the
12 employee's signature.

13 (7) A representation card remains valid for 12 months after it
14 is signed by an agricultural employee.

15 (d) A labor organization submitting a petition for a majority
16 signup election shall personally serve the petition on the employer
17 on the same day that the petition is filed with the board. Within
18 48 hours after the petition is served, the employer shall file with
19 the board its response to the petition. As part of the response, the
20 employer shall provide a complete and accurate list of the full
21 names, current street addresses, and job classifications of all
22 currently employed employees in the bargaining unit. The employer
23 shall organize the employees' names and addresses and other
24 information by crew or department and shall provide the list to
25 the board in hard copy and electronic format. Immediately upon
26 receiving the list, the board shall provide a hard copy and an
27 electronic copy to the labor organization that filed the majority
28 signup election petition.

29 (e) (1) Upon receipt of a petition for majority signup election,
30 the board shall immediately commence an investigation regarding
31 the validity of the petition and the accompanying representation
32 cards. Within five days of receipt of the petition, the board shall
33 make an administrative determination as to whether the
34 requirements set forth in subdivision (b) are met by the petition
35 and whether the labor organization submitting the petition has
36 submitted the number of representation cards required by
37 paragraph (1) of subdivision (c). In making this determination,
38 the board shall compare the names on the representation cards
39 submitted by the labor organization to the names on the list of
40 currently employed employees provided by the employer. The

1 board shall ignore discrepancies between the employee's name
2 listed on the representation card and the employee's name on the
3 employer's list if the preponderance of the evidence, such as the
4 employee's address and the name of the employee's foreman,
5 shows that the employee who signed the card is the same person
6 as the employee on the employer's list.

7 (2) The board shall return those representation cards that it
8 finds invalid to the labor organization that filed the petition for
9 majority signup election, with an explanation as to why each
10 representation card was found to be invalid. To protect the
11 confidentiality of the names on the representation cards, the
12 board's determination of whether a particular card is valid shall
13 be final and not subject to appeal or review.

14 (3) If the board determines that the labor organization has
15 submitted the required number of representation cards and met
16 the requirements set forth in this section and in Section 1156.4, it
17 shall immediately certify the labor organization as the exclusive
18 bargaining representative of the employees in the bargaining unit.
19 An employer's duty to bargain with the labor organization
20 commences immediately after the labor organization is certified.

21 (4) If the board determines that the labor organization has not
22 submitted the requisite number of valid representation cards, or
23 that the representation cards fail to meet the requirements set forth
24 in this section or in Section 1156.4, the board shall notify the labor
25 organization of the deficiency and grant the labor organization
26 30 days from the date it is notified to submit additional
27 representation cards.

28 (f) (1) Within five days after the board certifies a labor
29 organization through a majority signup election, any person may
30 file with the board a petition objecting to the certification on one
31 or more of the following grounds:

32 (A) Allegations in the majority signup petition were false.

33 (B) The board improperly determined the geographical scope
34 of the bargaining unit.

35 (C) The majority signup election was conducted improperly.

36 (D) Improper conduct affected the results of the majority signup
37 election.

38 (2) Upon receipt of a petition objecting to certification, the
39 board shall conduct a hearing to rule on the petitioner's objections,
40 and shall mail a notice of the time and place of the hearing to the

1 *petitioner and the labor organization whose certification is being*
2 *challenged. If the board finds at the hearing that any of the*
3 *allegations in the petition of the grounds set forth in paragraph*
4 *(1) are true, the board shall revoke the certification issued under*
5 *subdivision (e).*

6 *(3) The filing of a petition objecting to a majority signup election*
7 *certification shall not diminish the duty to bargain or delay the*
8 *running of the 180-day period set forth in subdivision (a) of Section*
9 *1164.*

10 *(4) If the board finds, after a hearing, that an employer has*
11 *assisted, supported, created, or dominated a labor organization*
12 *for the purpose of filing a majority signup election petition, the*
13 *board shall order the employer to pay for all the costs and expenses*
14 *incurred by a labor organization challenging a majority signup*
15 *election.*

16 *(g) The board shall not permit the filing of an election petition*
17 *pursuant to Section 1156.3 once a majority signup petition is filed*
18 *until the board determinates whether the labor organization filing*
19 *the majority signup election petition should be certified.*

20 *(h) Once a labor organization has filed a majority signup*
21 *election petition, no other majority signup election petition shall*
22 *be considered by the board with the same agricultural employer*
23 *until the board determines whether the labor organization that*
24 *filed the pending majority signup election petition should be*
25 *certified.*

26 *(i) For purposes of Section 1156.5, a majority signup election*
27 *is a valid election.*

28 *(j) This section shall remain in effect only until January 1, 2013,*
29 *or, in the event the validity of this section is challenged in judicial*
30 *proceedings, until the expiration of five years from the date of a*
31 *final court ruling on the validity of this section, and as of that date*
32 *is repealed, unless a later enacted statute, that is enacted before*
33 *this section is repealed, deletes or extends that date.*

34 *SEC. 9. Section 1156.4 of the Labor Code is amended to read:*

35 *1156.4. (a) Recognizing that agriculture is a seasonal*
36 *occupation for a majority of agricultural employees, and wishing*
37 *to provide the fullest scope for employees' enjoyment of the rights*
38 *included in this part, the board shall not consider a representation*
39 *petition, a petition for a majority signup election, or a petition to*
40 *decertify as timely filed unless the employer's payroll reflects 50*

1 percent of the peak agricultural employment for ~~such~~ *that* employer
2 for the current calendar year for the payroll period immediately
3 preceding the filing of the petition.

4 In this connection, the peak agricultural employment for the
5 prior season shall alone not be a basis for ~~such~~ *this* determination,
6 but rather the board shall estimate peak employment on the basis
7 of acreage and crop statistics, which shall be applied uniformly
8 throughout the State of California, and upon all other relevant data.

9 *(b) This section shall remain in effect only until January 1, 2013,*
10 *or, in the event the validity of this section is challenged in judicial*
11 *proceedings, until the expiration of five years from the date of a*
12 *final court ruling on the validity of this section, and as of that date*
13 *is repealed, unless a later enacted statute, that is enacted before*
14 *this section is repealed, deletes or extends that date.*

15 *SEC. 10. Section 1156.4 is added to the Labor Code, to read:*

16 *1156.4. (a) Recognizing that agriculture is a seasonal*
17 *occupation for a majority of agricultural employees, and wishing*
18 *to provide the fullest scope for employees' enjoyment of the rights*
19 *included in this part, the board shall not consider a representation*
20 *petition or a petition to decertify as timely filed unless the*
21 *employer's payroll reflects 50 percent of the peak agricultural*
22 *employment for such employer for the current calendar year for*
23 *the payroll period immediately preceding the filing of the petition.*

24 *In this connection, the peak agricultural employment for the*
25 *prior season shall alone not be a basis for such determination, but*
26 *rather the board shall estimate peak employment on the basis of*
27 *acreage and crop statistics which shall be applied uniformly*
28 *throughout the State of California and upon all other relevant*
29 *data.*

30 *(b) This section shall become operative on January 1, 2013, or,*
31 *in the event that Section 1156.4 of the Labor Code, as amended*
32 *by Section 9 of the act adding this section, is repealed at a later*
33 *date, this section shall become operative on that date.*

34 *SEC. 11. Section 1157 of the Labor Code is amended to read:*

35 *1157. (a) All agricultural employees of the employer whose*
36 *names appear on the payroll applicable to the payroll period*
37 *immediately preceding the filing of the petition—~~of such an~~ *for a**
38 *representation election or a majority signup election shall be*
39 *eligible to vote. An economic striker shall be eligible to vote under*
40 *such regulations as the board—~~shall find~~ *finds* are consistent with*

1 the purposes and provisions of this part in any election, provided
2 that the striker who has been permanently replaced shall not be
3 eligible to vote in any election conducted more than 12 months
4 after the commencement of the strike.

5 (b) In the case of elections conducted within 18 months of the
6 effective date of this part which involve labor disputes ~~which that~~
7 commenced prior to ~~such~~ the effective date, the board shall have
8 the jurisdiction to adopt fair, equitable, and appropriate eligibility
9 rules, which shall effectuate the policies of this part, with respect
10 to the eligibility of economic strikers who were paid for work
11 performed or for paid vacation during the payroll period
12 immediately preceding the expiration of a collective-bargaining
13 agreement or the commencement of a strike, provided, ~~however,~~
14 that in no event shall the board afford eligibility to any ~~such~~ striker
15 who has not performed any services for the employer during the
16 36-month period immediately preceding the effective date of this
17 part.

18 (c) *This section shall remain in effect only until January 1, 2013,*
19 *or, in the event the validity of this section is challenged in judicial*
20 *proceedings, until the expiration of five years from the date of a*
21 *final court ruling on the validity of this section, and as of that date*
22 *is repealed, unless a later enacted statute, that is enacted before*
23 *this section is repealed, deletes or extends that date.*

24 SEC. 12. Section 1157 is added to the Labor Code, to read:

25 1157. (a) *All agricultural employees of the employer whose*
26 *names appear on the payroll applicable to the payroll period*
27 *immediately preceding the filing of the petition of such an election*
28 *shall be eligible to vote. An economic striker shall be eligible to*
29 *vote under such regulations as the board shall find are consistent*
30 *with the purposes and provisions of this part in any election,*
31 *provided that the striker who has been permanently replaced shall*
32 *not be eligible to vote in any election conducted more than 12*
33 *months after the commencement of the strike.*

34 (b) *In the case of elections conducted within 18 months of the*
35 *effective date of this part which involve labor disputes which*
36 *commenced prior to such effective date, the board shall have the*
37 *jurisdiction to adopt fair, equitable, and appropriate eligibility*
38 *rules, which shall effectuate the policies of this part, with respect*
39 *to the eligibility of economic strikers who were paid for work*
40 *performed or for paid vacation during the payroll period*

1 immediately preceding the expiration of a collective-bargaining
2 agreement or the commencement of a strike; provided, however,
3 that in no event shall the board afford eligibility to any such striker
4 who has not performed any services for the employer during the
5 36-month period immediately preceding the effective date of this
6 part.

7 (c) This section shall become operative on January 1, 2013, or,
8 in the event that Section 1157 of the Labor Code, as amended by
9 Section 11 of the act adding this section, is repealed at a later
10 date, this section shall become operative on that date.

11 SEC. 13. Section 1160.3 of the Labor Code is amended to read:

12 1160.3. (a) The testimony taken by ~~such~~ a member, agent, or
13 agency, or the board in ~~such~~ a hearing shall be reduced to writing
14 and filed with the board. Thereafter, in its discretion, the board,
15 upon notice, may take further testimony or hear argument. ~~If,~~

16 (b) ~~If,~~ based upon the preponderance of the testimony taken,
17 the board ~~shall be of the opinion~~ finds that ~~any~~ a person named in
18 the complaint has engaged in or is engaging in any ~~such~~ unfair
19 labor practice, the board shall state its findings of fact and shall
20 issue and cause to be served on ~~such~~ the person an order requiring
21 ~~such~~ that person to cease and desist ~~from such~~ the unfair labor
22 practice; and to take affirmative action, including reinstatement
23 of employees with or without backpay, ~~and~~ making employees
24 whole, when the board deems such relief appropriate, for the loss
25 of pay resulting from the employer's refusal to bargain, and ~~to~~
26 ~~provide such~~ providing any other relief as ~~will~~ would effectuate
27 the policies of this part. Where an order directs reinstatement of
28 an employee, backpay may be required of the employer or labor
29 organization, as the case may be, responsible for the discrimination
30 suffered by ~~him~~ the employee. ~~Such~~ The order may further require
31 ~~such~~ the person named in the complaint to make reports from time
32 to time showing the extent to which ~~it~~ the employer has complied
33 with the order. ~~If,~~

34 (c) If the board finds that an employer has willfully or repeatedly
35 committed an unfair labor practice under subdivision (a) or (c) of
36 Section 1153 while employees of the employer were seeking
37 representation by a labor organization or after a labor
38 organization was designated as a representative under Section
39 1156, the board may, in addition to any order permitted by this
40 section, impose a civil penalty of up to twenty thousand dollars

1 (\$20,000) for each violation. The board shall determine the amount
2 of any civil penalty imposed based upon the impact of the unfair
3 labor practice on the charging party or on other persons seeking
4 to exercise rights guaranteed by this part, or on the public interest.

5 (d) If, upon the preponderance of the testimony taken, the board
6 ~~shall be of the opinion~~ finds that the person named in the complaint
7 has not engaged in or is not engaging in any unfair labor practice,
8 the board shall state its findings of fact and shall issue an order
9 dismissing the complaint. ~~No~~ An order of the board shall *not* require
10 the reinstatement of any individual as an employee who has been
11 suspended or discharged, or the payment to him or her of any
12 backpay, if ~~such~~ the individual was suspended or discharged for
13 cause. In case the evidence is presented before a member of the
14 board, or before an administrative law officer thereof, ~~such~~ the
15 member, or ~~such~~ administrative law officer, as the case may be,
16 shall issue and cause to be served on the parties to the proceedings
17 a proposed report, together with a recommended order, which shall
18 be filed with the board, and, if no exceptions are filed within 20
19 days after service thereof upon ~~such~~ the parties, or within ~~such~~ a
20 further period as the board may authorize, ~~such~~ the recommended
21 order shall become the order of the board and become effective as
22 therein prescribed.

23 (e) Until the record in a case ~~shall have~~ has been filed in a court,
24 as provided in this chapter, the board may, at any time upon
25 reasonable notice and in such manner as it shall deem proper,
26 modify or set aside, in whole or in part, any finding or order made
27 or issued by it.

28 (f) This section shall remain in effect only until January 1, 2013,
29 or, in the event the validity of this section is challenged in judicial
30 proceedings, until the expiration of five years from the date of a
31 final court ruling on the validity of this section, and as of that date
32 is repealed, unless a later enacted statute, that is enacted before
33 this section is repealed, deletes or extends that date.

34 SEC. 14. Section 1160.3 is added to the Labor Code, to read:

35 1160.3. (a) The testimony taken by such member, agent, or
36 agency, or the board in such hearing shall be reduced to writing
37 and filed with the board. Thereafter, in its discretion, the board,
38 upon notice, may take further testimony or hear argument. If, upon
39 the preponderance of the testimony taken, the board shall be of
40 the opinion that any person named in the complaint has engaged

1 *in or is engaging in any such unfair labor practice, the board shall*
2 *state its findings of fact and shall issue and cause to be served on*
3 *such person an order requiring such person to cease and desist*
4 *from such unfair labor practice, to take affirmative action,*
5 *including reinstatement of employees with or without backpay,*
6 *and making employees whole, when the board deems such relief*
7 *appropriate, for the loss of pay resulting from the employer's*
8 *refusal to bargain, and to provide such other relief as will*
9 *effectuate the policies of this part. Where an order directs*
10 *reinstatement of an employee, backpay may be required of the*
11 *employer or labor organization, as the case may be, responsible*
12 *for the discrimination suffered by him. Such order may further*
13 *require such person to make reports from time to time showing*
14 *the extent to which it has complied with the order. If, upon the*
15 *preponderance of the testimony taken, the board shall be of the*
16 *opinion that the person named in the complaint has not engaged*
17 *in or is not engaging in any unfair labor practice, the board shall*
18 *state its findings of fact and shall issue an order dismissing the*
19 *complaint. No order of the board shall require the reinstatement*
20 *of any individual as an employee who has been suspended or*
21 *discharged, or the payment to him of any backpay, if such*
22 *individual was suspended or discharged for cause. In case the*
23 *evidence is presented before a member of the board, or before an*
24 *administrative law officer thereof, such member, or such*
25 *administrative law officer, as the case may be, shall issue and*
26 *cause to be served on the parties to the proceedings a proposed*
27 *report, together with a recommended order, which shall be filed*
28 *with the board, and, if no exceptions are filed within 20 days after*
29 *service thereof upon such parties, or within such further period*
30 *as the board may authorize, such recommended order shall become*
31 *the order of the board and become effective as therein prescribed.*

32 *(b) Until the record in a case shall have been filed in a court,*
33 *as provided in this chapter, the board may, at any time upon*
34 *reasonable notice and in such manner as it shall deem proper,*
35 *modify or set aside, in whole or in part, any finding or order made*
36 *or issued by it.*

37 *(c) This section shall become operative on January 1, 2013, or,*
38 *in the event that Section 1160.3 of the Labor Code, as amended*
39 *by Section 13 of the act adding this section, is repealed at a later*
40 *date, this section shall become operative on that date.*

1 *SEC. 15. Section 1160.6 of the Labor Code is amended to read:*

2 1160.6. (a) Whenever it is charged that (1) any employer has,
3 while the employees of that employer were seeking representation
4 by a labor organization or during the period after a labor
5 organization was recognized as a representative, discharged or
6 otherwise discriminated against an employee in violation of
7 subdivision (c) of Section 1153, threatened to discharge or to
8 otherwise discriminate against an employee in violation of
9 subdivision (a) of Section 1153, or engaged in any other unfair
10 labor practice within the meaning of subdivision (a) of Section
11 1153 that significantly interfered with, restrained, or coerced
12 employees in the exercise of the rights guaranteed in Section 1152,
13 or (2) any person has engaged in an unfair labor practice within
14 the meaning of paragraph (1), (2), or (3) of subdivision (d), or of
15 subdivision (g), of Section 1154, or of Section 1155, the
16 preliminary investigation of—~~such~~ the charge shall be made
17 forthwith and given priority over all other cases except cases of
18 like character in the office where it is filed or to which it is referred.
19 If,

20 (b) If, after—~~such~~ the investigation, the officer or regional
21 attorney to whom the matter may be referred has reasonable cause
22 to believe—~~such~~ the charge is true and that a complaint should issue,
23 he or she shall, on behalf of the board, petition the superior court
24 in the county in which the unfair labor practice in question has
25 occurred, is alleged to have occurred, or where the person alleged
26 to have committed the unfair labor practice resides or transacts
27 business, for appropriate injunctive relief pending the final
28 adjudication of the board with respect to the matter. The officer
29 or regional attorney shall make all reasonable efforts to advise the
30 party against whom the restraining order is sought of his or her
31 intention to seek—~~such~~ an order at least 24 hours prior to doing so.
32 In the event the officer or regional attorney has been unable to
33 advise—~~such~~ a party of his or her intent at least 24 hours in advance,
34 he or she shall submit a declaration to the court under penalty of
35 perjury setting forth in detail the efforts he or she has made. Upon
36 the filing of—~~any~~—~~such~~ a petition, the superior court shall have
37 jurisdiction to grant such injunctive relief or temporary restraining
38 order as it deems just and proper. Upon the filing of—~~any~~—~~such~~ a
39 petition, the board shall cause notice thereof to be served upon any
40 person involved in the charge, and—~~such~~ that person, including the

1 charging party, shall be given an opportunity to appear by counsel
2 and present any relevant testimony. For the purposes of this section,
3 the superior court shall be deemed to have jurisdiction of a labor
4 organization either in the county in which ~~such~~ the organization
5 maintains its principal office, or in any county in which its duly
6 authorized officers or agents are engaged in promoting or protecting
7 the interests of employee members. The service of legal process
8 upon ~~such~~ an officer or agent shall constitute service upon the
9 labor organization and make ~~such~~ the organization a party to the
10 suit. In situations where such relief is appropriate, the procedure
11 specified herein shall apply to charges with respect to paragraph
12 (4) of subdivision (d) of Section 1154.

13 *(c) This section shall remain in effect only until January 1, 2013,*
14 *or, in the event the validity of this section is challenged in judicial*
15 *proceedings, until the expiration of five years from the date of a*
16 *final court ruling on the validity of this section, and as of that date*
17 *is repealed, unless a later enacted statute, that is enacted before*
18 *this section is repealed, deletes or extends that date.*

19 SEC. 16. Section 1160.6 is added to the Labor Code, to read:
20 1160.6. (a) Whenever it is charged that any person has
21 engaged in an unfair labor practice within the meaning of
22 paragraph (1), (2), or (3) of subdivision (d), or of subdivision (g),
23 of Section 1154, or of Section 1155, the preliminary investigation
24 of such charge shall be made forthwith and given priority over all
25 other cases except cases of like character in the office where it is
26 filed or to which it is referred. If, after such investigation, the
27 officer or regional attorney to whom the matter may be referred
28 has reasonable cause to believe such charge is true and that a
29 complaint should issue, he shall, on behalf of the board, petition
30 the superior court in the county in which the unfair labor practice
31 in question has occurred, is alleged to have occurred, or where
32 the person alleged to have committed the unfair labor practice
33 resides or transacts business, for appropriate injunctive relief
34 pending the final adjudication of the board with respect to the
35 matter. The officer or regional attorney shall make all reasonable
36 efforts to advise the party against whom the restraining order is
37 sought of his intention to seek such order at least 24 hours prior
38 to doing so. In the event the officer or regional attorney has been
39 unable to advise such party of his intent at least 24 hours in
40 advance, he shall submit a declaration to the court under penalty

1 of perjury setting forth in detail the efforts he has made. Upon the
2 filing of any such petition, the superior court shall have jurisdiction
3 to grant such injunctive relief or temporary restraining order as
4 it deems just and proper. Upon the filing of any such petition, the
5 board shall cause notice thereof to be served upon any person
6 involved in the charge and such person, including the charging
7 party, shall be given an opportunity to appear by counsel and
8 present any relevant testimony. For the purposes of this section,
9 the superior court shall be deemed to have jurisdiction of a labor
10 organization either in the county in which such organization
11 maintains its principal office, or in any county in which its duly
12 authorized officers or agents are engaged in promoting or
13 protecting the interests of employee members. The service of legal
14 process upon such officer or agent shall constitute service upon
15 the labor organization and make such organization a party to the
16 suit. In situations where such relief is appropriate, the procedure
17 specified herein shall apply to charges with respect to paragraph
18 (4) of subdivision (d) of Section 1154.

19 (b) This section shall become operative on January 1, 2013, or,
20 in the event that Section 1160.6 of the Labor Code, as amended
21 by Section 15 of the act adding this section, is repealed at a later
22 date, this section shall become operative on that date.

23 SEC. 17. No reimbursement is required by this act pursuant
24 to Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

32 ~~SECTION 1. Section 35400 of the Vehicle Code is amended~~
33 ~~to read:~~

34 ~~35400. (a) A vehicle may not exceed a length of 40 feet.~~

35 ~~(b) This section does not apply to any of the following:~~

36 ~~(1) A vehicle used in a combination of vehicles when the excess~~
37 ~~length is caused by auxiliary parts, equipment, or machinery not~~
38 ~~used as space to carry any part of the load, except that the~~
39 ~~combination of vehicles shall not exceed the length provided for~~
40 ~~combination vehicles.~~

1 ~~(2) A vehicle, when the excess length is caused by any parts~~
2 ~~necessary to comply with the fender and mudguard regulations of~~
3 ~~this code.~~

4 ~~(3) (A) An articulated bus or articulated trolley coach that does~~
5 ~~not exceed a length of 60 feet.~~

6 ~~(B) An articulated bus or articulated trolley coach described in~~
7 ~~subparagraph (A) may be equipped with a folding device attached~~
8 ~~to the front of the bus or trolley if the device is designed and used~~
9 ~~exclusively for transporting bicycles. The device, including any~~
10 ~~bicycles transported thereon, shall be mounted in a manner that~~
11 ~~does not materially affect efficiency or visibility of vehicle safety~~
12 ~~equipment, and shall not extend more than 36 inches from the front~~
13 ~~body of the bus or trolley coach when fully deployed. The~~
14 ~~handlebars of a bicycle that is transported on a device described~~
15 ~~in this subparagraph shall not extend more than 42 inches from~~
16 ~~the front of the bus.~~

17 ~~(4) (A) An articulated bus or articulated trolley coach that does~~
18 ~~not exceed a length of 65 feet and is operated as follows:~~

19 ~~(i) On a dedicated right-of-way.~~

20 ~~(ii) On a street or highway outside of the dedicated right-of-way~~
21 ~~as long as the bus or coach is not operating in revenue service, is~~
22 ~~traveling directly between the dedicated right-of-way and a storage~~
23 ~~or maintenance facility, and its route is approved by a route review~~
24 ~~committee established under subparagraph (C).~~

25 ~~(B) For purposes of this paragraph, a “dedicated right-of-way”~~
26 ~~means a right-of-way that is exclusively available for a public~~
27 ~~transit bus or coach operating in revenue service that does not~~
28 ~~exceed 65 feet in length, an authorized emergency vehicle, and a~~
29 ~~transit maintenance vehicle. The right-of-way shall be physically~~
30 ~~segregated from adjacent uses.~~

31 ~~(C) (i) A route review committee, established under this~~
32 ~~subparagraph, shall review the routes where a public agency~~
33 ~~proposes to operate an articulated bus or an articulated trolley~~
34 ~~coach pursuant to this paragraph.~~

35 ~~(ii) The route review committee shall be comprised of one~~
36 ~~member from the public agency appointed by the general manager~~
37 ~~of the public agency; one member who is a traffic engineer and is~~
38 ~~employed and selected by the public agency that has jurisdiction~~
39 ~~over the largest proportional share of routes among all affected~~
40 ~~agencies; and one member appointed by the labor organization~~

1 that is the exclusive representative of the bus drivers of the public
2 agency. If an exclusive representative of the bus drivers does not
3 exist, a bus driver member shall be chosen by a majority vote of
4 the bus drivers employed by that agency.

5 (iii) The members of the route review committee shall be
6 selected not more than 30 days after receipt of a public agency
7 proposal to operate an articulated bus or articulated trolley coach
8 under this paragraph. The review shall include a field review of
9 the proposed routes.

10 (iv) The purpose of the route review committee is to ensure the
11 safe operation of an articulated bus or articulated trolley coach
12 under this paragraph along an approved route between a dedicated
13 right-of-way and a storage or maintenance facility.

14 (v) The route review committee, by a unanimous vote, shall
15 make a determination of which routes are suitable for the safe
16 operation of the articulated bus or articulated trolley coach pursuant
17 to this paragraph.

18 (vi) The field review required under clause (iii) shall include
19 consultation with traffic engineers from affected public agencies
20 that have jurisdiction over segments of the route or routes under
21 review, to ensure coordination with all affected state and local
22 public road agencies that may potentially be impacted due to the
23 operation of an articulated bus or articulated trolley coach pursuant
24 to this paragraph.

25 (5) A semitrailer while being towed by a motortruck or truck
26 tractor, if the distance from the kingpin to the rearmost axle of the
27 semitrailer does not exceed 40 feet for semitrailers having two or
28 more axles, or 38 feet for semitrailers having one axle if the
29 semitrailer does not, exclusive of attachments, extend forward of
30 the rear of the cab of the motortruck or truck tractor.

31 (6) A bus or house car when the excess length is caused by the
32 projection of a front safety bumper or a rear safety bumper, or
33 both. The safety bumper shall not cause the length of the vehicle
34 to exceed the maximum legal limit by more than one foot in the
35 front and one foot in the rear. For the purposes of this chapter,
36 "safety bumper" means any device that is fitted on an existing
37 bumper or which replaces the bumper and is constructed, treated,
38 or manufactured to absorb energy upon impact.

39 (7) A schoolbus, when the excess length is caused by the
40 projection of a crossing control arm. For the purposes of this

chapter, “crossing control arm” means an extendable and retractable device fitted to the front of a schoolbus that is designed to impede movement of pupils exiting the schoolbus directly in front of the schoolbus so that pupils are visible to the driver while they are moving in front of the schoolbus. An operator of a schoolbus shall not extend a crossing control arm while the schoolbus is in motion. Except when activated, a crossing control arm shall not cause the maximum length of the schoolbus to be extended by more than 10 inches, inclusive of any front safety bumper. Use of a crossing control arm by the operator of a schoolbus does not, in and of itself, fulfill his or her responsibility to ensure the safety of students crossing a highway or private road pursuant to Section 22112.

(8) A bus, when the excess length is caused by a device, located in front of the front axle, for lifting wheelchairs into the bus. That device shall not cause the length of the bus to be extended by more than 18 inches, inclusive of any front safety bumper.

(9) A bus, when the excess length is caused by a device attached to the rear of the bus designed and used exclusively for the transporting of bicycles. This device may be up to 10 feet in length; if the device, along with any other device permitted pursuant to this section, does not cause the total length of the bus, including any device or load, to exceed 50 feet.

(10) A bus operated by a public agency or a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, used in transit system service, other than a schoolbus, when the excess length is caused by a folding device attached to the front of the bus which is designed and used exclusively for transporting bicycles. The device, including any bicycles transported thereon, shall be mounted in a manner that does not materially affect efficiency or visibility of vehicle safety equipment, and shall not extend more than 36 inches from the front body of the bus when fully deployed. The handlebars of a bicycle that is transported on a device described in this paragraph shall not extend more than 42 inches from the front of the bus. A device described in this paragraph may not be used on a bus that, exclusive of the device, exceeds 40 feet in length or on a bus having a device attached to the rear of the bus pursuant to paragraph (8).

(11) (A) A bus of a length of up to 45 feet when operating on those highways specified in subdivision (a) of Section 35401.5. The Department of Transportation or local authorities, with respect

1 to highways under their respective jurisdictions, may not deny
2 reasonable access to a bus of a length of up to 45 feet between the
3 highways specified in subdivision (a) of Section 35401.5 and points
4 of loading and unloading for motor carriers of passengers as
5 required by the federal Intermodal Surface Transportation
6 Efficiency Act of 1991 (Public Law 102-240).

7 (B) A bus operated by a public agency and on those highways
8 specified in subparagraph (A) may be equipped with a folding
9 device attached to the front of the bus that is designed and used
10 exclusively for transporting bicycles. The device, including all
11 bicycles transported thereon, may be mounted in a manner that
12 does not materially affect efficiency or visibility of vehicle safety
13 equipment, and may not extend more than 36 inches from the front
14 body of the bus when fully deployed. The handlebars of a bicycle
15 that is transported on a device described in this subparagraph may
16 not extend more than 42 inches from the front of the bus. The total
17 length of the bus, including the folding device or load, may not
18 exceed 48.5 feet. A Route Review Committee, established under
19 this subparagraph, shall review the routes where a public agency
20 proposes to operate a 45-foot bus equipped with a front mounted
21 bicycle rack. The Route Review Committee shall be comprised of
22 one member from the public agency appointed by the general
23 manager of the public agency; one member who is a traffic engineer
24 and is employed and selected by the public agency that has
25 jurisdiction over the largest proportional share of routes among
26 all affected agencies; and one member appointed by the labor
27 organization that is the exclusive representative of the bus drivers
28 of the public agency. If there is no exclusive representative of the
29 bus drivers, a bus driver member shall be chosen by a majority
30 vote of the bus drivers employed by the agency. The members of
31 the Route Review Committee shall be selected not more than 30
32 days after receipt of a public agency proposal to equip a 45-foot
33 bus with a front mounted bicycle rack. The review shall include a
34 field review of the proposed routes. The purpose of the Route
35 Review Committee is to ensure the safe operation of a 45-foot bus
36 that is equipped with a front mounted bicycle rack. The Route
37 Review Committee, by a unanimous vote, shall make a
38 determination of which routes are suitable for the safe operation
39 of a 45-foot bus that is equipped with a front mounted bicycle rack.
40 These determinations shall be consistent with the operating

1 requirements specified in subparagraph (A). It is the intent of the
2 Legislature that the field review required under this subparagraph
3 include consultation with traffic engineers from affected public
4 agencies that have jurisdiction over segments of the route or routes
5 under review, to ensure coordination with all effected state and
6 local public road agencies that may potentially be impacted due
7 to the operation of a 45-foot bus with a front mounted bicycle rack.

8 (12) (A) A house car of a length of up to 45 feet when operating
9 on the National System of Interstate and Defense Highways or
10 when using those portions of federal aid primary system highways
11 that have been qualified by the United States Secretary of
12 Transportation for that use, or when using routes appropriately
13 identified by the Department of Transportation or local authorities;
14 with respect to highways under their respective jurisdictions.

15 (B) A house car described in subparagraph (A) may be operated
16 on a highway that provides reasonable access to facilities for
17 purposes limited to fuel, food, and lodging when that access is
18 consistent with the safe operation of the vehicle and when the
19 facility is within one road mile of identified points of ingress and
20 egress to or from highways specified in subparagraph (A) for use
21 by that vehicle.

22 (C) As used in this paragraph and paragraph (10), “reasonable
23 access” means access substantially similar to that authorized for
24 combinations of vehicles pursuant to subdivision (c) of Section
25 35401.5.

26 (D) An access route established by a local authority pursuant
27 to subdivision (d) of Section 35401.5 is open for access by a house
28 car of a length of up to 45 feet. In addition, local authorities may
29 establish a process whereby access to services by house cars of a
30 length of up to 45 feet may be applied for upon a route not
31 previously established as an access route. The denial of a request
32 for access to services shall be only on the basis of safety and an
33 engineering analysis of the proposed access route. In lieu of
34 processing an access application, local authorities, with respect to
35 highways under their jurisdiction, may provide signing, mapping,
36 or a listing of highways, as necessary, to indicate the use of these
37 specific routes by a house car of a length of up to 45 feet.

38 (e) The Legislature, by increasing the maximum permissible
39 kingpin to rearmost axle distance to 40 feet effective January 1,
40 1987, as provided in paragraph (4) of subdivision (b), does not

1 ~~intend this action to be considered a precedent for any future~~
2 ~~increases in truck size and length limitations.~~

3 ~~(d) A transit bus equipped with a folding device installed on or~~
4 ~~after January 1, 1999, that is permitted under subparagraph (B) of~~
5 ~~paragraph (3) of subdivision (b) or under paragraph (9) of~~
6 ~~subdivision (b) shall be additionally equipped with any of the~~
7 ~~following:~~

8 ~~(1) An indicator light that is visible to the driver and is activated~~
9 ~~whenever the folding device is in an extended position.~~

10 ~~(2) Another device or mechanism that provides notice to the~~
11 ~~driver that the folding device is in an extended position.~~

12 ~~(3) A mechanism that causes the folding device to retract~~
13 ~~automatically from an extended position.~~

14 ~~(e) (1) A person may not improperly or unsafely mount a~~
15 ~~bicycle on a device described in subparagraph (B) of paragraph~~
16 ~~(3) of subdivision (b), or in paragraph (9) or (10) of subdivision~~
17 ~~(b).~~

18 ~~(2) Notwithstanding subdivision (a) of Section 23114 or~~
19 ~~subdivision (a) of Section 24002 or any other provision of law,~~
20 ~~when a bicycle is improperly or unsafely loaded by a passenger~~
21 ~~onto a transit bus, the passenger, and not the driver, is liable for~~
22 ~~any violation of this code that is attributable to the improper or~~
23 ~~unlawful loading of the bicycle.~~

24 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
25 ~~Section 6 of Article XIII B of the California Constitution because~~
26 ~~this act provides for offsetting savings to local agencies or school~~
27 ~~districts that result in no net costs to the local agencies or school~~
28 ~~districts, within the meaning of Section 17556 of the Government~~
29 ~~Code.~~